



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

HOUSE BILL NO. 383

WEDNESDAY, FEBRUARY 23, 2005

The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to faith-based initiatives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act, unless the context otherwise requires:

(1) "Government funding" means financial assistance received by nongovernment entities in the form of federal, state, or local government grants, loans, loan guarantees, property, cooperative agreements, food commodities, direct appropriations, or other assistance. Government funding does not include tax credits, deductions, or exemptions.

(2) "Social service program" means a program administered by the federal, state, or local government using government funding to provide social services directed at reducing poverty, improving opportunities for low-income adults or children, self-sufficiency, rehabilitation, or other services directed toward vulnerable citizens. Social service program includes, but is not limited to:

(a) Adult or child day care;

(b) Adult or child protective services, foster care, or adoption, including programs relating to domestic violence;

(c) Services for adults or children with special needs or disabilities;

(d) Job training and related services, and employment services;

(e) Transportation services;

(f) Food or meal preparation or delivery services relating to soup kitchens or food banks;

(g) Alcohol and other drug abuse prevention and treatment;

(h) Health support services;

(i) Literacy and educational services, including adult education services;

(j) Crime prevention services and assistance to the victims and family members

1 of criminal offenders; and
 2 (k) Services for housing assistance as provided under local, state, and federal
 3 law.

4 SECTION 2. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
 5 READ AS FOLLOWS:

6 The General Assembly finds and declares:

7 (1) Faith-based and community nonprofit organizations are indispensable in
 8 meeting the needs of our poor and disadvantaged citizens, and by embracing and
 9 partnering with these organizations, the capacity of government to respond to its
 10 citizens is strengthened;

11 (2) Faith-based and community nonprofit organizations should have full opportunity
 12 to participate in federal and state government funding for services directed at
 13 reducing poverty, improving the lives of low-income and vulnerable adults and
 14 children, self-sufficiency, and rehabilitation;

15 (3) It is necessary to ensure that:

16 (a) The rights and protections granted by the United States Constitution, the
 17 Constitution of Kentucky, and all amendments thereto are respected and
 18 preserved by all entities that receive government funding;

19 (b) Faith-based and community nonprofit organizations have equal opportunity
 20 to seek government funding for social service programs and that these
 21 social service programs remain separate from other inherently religious
 22 activities, including, but not limited to, worship, religious instruction, and
 23 proselytization;

24 (c) Faith-based and community nonprofit organizations do not discriminate
 25 against beneficiaries or potential beneficiaries of government-funded social
 26 service programs on any basis prohibited by law, including but not limited
 27 to discrimination based on religion, religious practices, or beliefs; and

1 (d) Faith-based and community nonprofit organizations have the capacity to
 2 effectively and efficiently manage government funds for social service
 3 programs, to perform program and service evaluations, and to report
 4 outcomes similar to any entity that receives government funding; and

5 (4) Communication, coordination, and technical assistance at the highest level of
 6 state government is needed to enhance the opportunities for faith-based and
 7 community nonprofit organization to provide needed social services to our
 8 citizens.

9 SECTION 3. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
 10 READ AS FOLLOWS:

11 (1) The Office for Faith-Based and Community Nonprofit Social Services is
 12 established in the Office of the Governor. The office shall be administered by a
 13 staff person designated by the Governor and shall have sufficient staff as
 14 required to implement the provisions of Sections 1 to 5 this Act.

15 (2) The office shall have primary responsibility to establish policies, priorities, and
 16 practices in the executive branch to enable and expand social service programs of
 17 faith-based and community nonprofit organizations to the extent permitted by
 18 law.

19 (3) The office and all state government agencies that administer social service
 20 programs supported by government funding shall adhere to the following
 21 principles:

22 (a) Government funding for social service programs shall be distributed in the
 23 most effective and efficient manner possible;

24 (b) No organization shall be discriminated against on the basis of religion,
 25 religious practices, or beliefs in the administration or distribution of
 26 government funding for social service programs;

27 (c) No faith-based or community nonprofit organization providing social

1 service programs in whole or in part with government funding shall
2 discriminate against beneficiaries or potential beneficiaries on the basis of
3 religion, religious practices, beliefs, or refusal to hold a religious belief or to
4 participate in a religious practice, or as otherwise provided by law;

5 (d) All programs involving government funding to faith-based and nonprofit
6 community organizations for social service programs shall be implemented
7 in accordance with the United States Constitution, the Constitution of
8 Kentucky, and all amendments thereto. Organizations that engage in
9 religious worship, religious instruction, and proselytization that receive
10 government funding for social service programs shall offer those social
11 service programs separately in time and location, and participation in such
12 religious activities by any beneficiary or potential beneficiary of a
13 government-funded social service program shall be strictly voluntary;

14 (e) Faith-based and nonprofit community organizations that receive
15 government funding may retain their autonomy, expression, or religious
16 character and may continue practicing or expressing religious beliefs.
17 Organizations may use existing facilities, in accordance with paragraph (d)
18 of this subsection, without removing or altering religious icons, art,
19 scripture or symbols and may retain religious terms in its name and other
20 documents governing the organization. Government funding shall not be
21 used to support inherently religious activities, including but not limited to
22 worship, religious instruction, and proselytizing; and

23 (f) Faith-based and nonprofit community organizations that receive
24 government funding for social service programs shall comply with the same
25 requirements as any other entity that receives government funding for
26 social service programs is subject to, including but not limited to timely
27 progress and final reports, audits, inspection of premises, recordkeeping

1 and accounting practices, program evaluation, and outcome studies.

2 (4) The office shall:

3 (a) Develop and implement policies affecting faith-based and community
4 nonprofit organizations to increase the capacity of those organizations to
5 provide social services through executive action, legislative proposals,
6 administrative regulations, and government and private funding;

7 (b) Review and coordinate policies affecting the opportunities for government
8 funding for social service programs by faith-based and other community
9 nonprofit organizations throughout all related agencies of state
10 government;

11 (c) Implement and coordinate public education activities to increase faith-
12 based and community nonprofit social service program initiatives through
13 volunteerism, special projects, pilot or demonstration projects, and public-
14 private partnerships;

15 (d) Encourage private charitable giving to support faith-based and community
16 nonprofit organizations and social service programs;

17 (e) Provide information and legal education to state and local public officials
18 and policymakers to improve opportunities for government funding for
19 social service programs by faith-based and community nonprofit
20 organizations;

21 (f) Provide education, training, and technical assistance to increase the
22 capacity and expertise of faith-based and community nonprofit
23 organizations to effectively manage government funded social service
24 programs; and

25 (g) Provide training and technical assistance to enable faith-based and
26 community nonprofit organizations to conduct program evaluation and
27 outcome studies on social services provided with government funding.

1 SECTION 4. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) The following agencies shall designate a liaison to the Office for Faith-Based
4 and Community Nonprofit Social Services:

5 (a) The Cabinet for Health Services;

6 (b) The Cabinet for Families and Children;

7 (c) The Workforce Development Cabinet;

8 (d) The Education, Arts, and Humanities Cabinet;

9 (e) The Department of Agriculture;

10 (f) The Kentucky Housing Corporation;

11 (g) The Labor Cabinet; and

12 (h) The Economic Development Cabinet.

13 (2) Each agency identified in subsection (1) of this section shall, in cooperation and
14 coordination with the Office for Faith-Based and Community Nonprofit Social
15 Services:

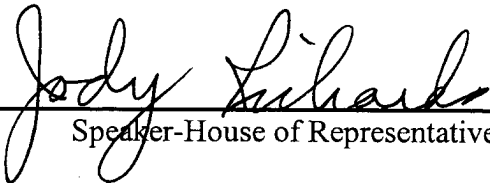
16 (a) Review and evaluate existing policies that affect government funding
17 opportunities for faith-based and nonprofit community organizations and
18 report to the office, within ninety (90) days of the effective date of this Act,
19 actions necessary to implement Section 3 of this Act; and

20 (b) Amend existing policies and administrative regulations or implement new
21 policies or administrative regulations in accordance with KRS Chapter 13A
22 consistent with the principles established in Sections 1 to 5 of this Act.

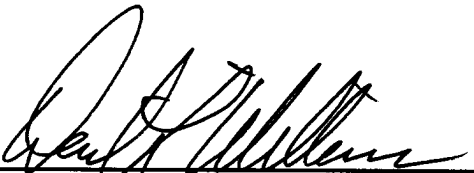
23 SECTION 5. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) Nothing in Sections 1 to 5 of this Act shall be construed to be contrary to state or
26 federal law concerning government funding for faith-based or nonprofit
27 community organizations.

- 1 (2) Nothing in Sections 1 to 5 of this Act shall be construed to establish a preference
2 for faith-based or nonprofit organizations in soliciting, evaluating proposals for,
3 or awarding of government contracts, grants, loans, or other funds.



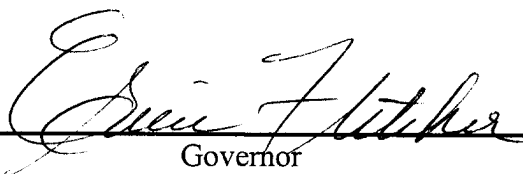
Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 
